

September 28, 2010

Criminal Prosecutions Section  
16<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 787-6346  
Fax (717) 705-7246

Thomas A. Bergstrom, Esq.  
108 Davis Road  
Malvern, PA 19355

**In re: Commonwealth v. John Zimmerman**  
**No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Enclosed please find the following discovery that you requested:

1. External hard drive containing:
  - (a) PDF labeled "Evidence Index" (10 pages);
  - (b) PDF labeled "Source of Evidence" (15 pages);
  - (c) Folder labeled "Acquired by Other Means" (272 PDF files);
  - (d) Folder labeled "GJ Subpoena" (397 PDF files);
  - (e) Folder labeled "Defendant Criminal History."

This production satisfies what has been previously described as "wave one" of the discovery process in this case. The remaining waves will be forthcoming as soon as practicable, and not later than the deadlines that have been imposed by the court.

With regard to the enclosed hard drive, the file labeled "Evidence Index" contains an inventory of all of the files that are being produced with this wave, along with the date received by the OAG and a brief description of the contents. The file labeled "Source of Evidence" contains a listing of how each item was obtained by the OAG, and can be cross-referenced to the item numbers on the "Evidence Index." All of the files contained within the folders labeled "GJ Subpoena" and "Acquired by Other Means" can be cross-referenced by file name to the aforementioned indices.

DEF9954

As you will notice, many of the documents have redactions in the form of certain words or sections being blacked out. Those redactions were done in an attempt to protect certain confidential information, such as dates of birth, social security numbers, credit card numbers, and other banking information. Because some information of that type may have escaped redaction (due to the large volume of documents), we have also obtained a protective order, a copy of which will be forwarded to you forthwith. Said order prohibits all defendants and their counsel from disclosing, "by any means, to any person other than an agent of defense counsel who is assisting with this case, the contents of any and all discovery materials provided in this case that refer to information pertaining to any individual or entity, including dates of birth, social security numbers, credit card numbers, and banking information, except as may be necessary during the course of the trial."

Pursuant to Rule 573 of the Pennsylvania Rules of Criminal Procedure, we hereby request disclosure of the following reciprocal discovery:

A. The results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence-in-chief, or which were prepared by a witness who the defendant intends to call at trial. Pursuant to Pa.R.Crim.P. 573(C)(2), if the witness(es) regarding the aforementioned information has/have not prepared a report relative to the examinations or tests conducted, the Commonwealth requests that said witness(es) prepare and disclose to the Commonwealth a report stating the subject matter on which the expert is expected to testify; the substance of the facts to which the expert is expected to testify; and a summary of the expert's opinions and the grounds for each opinion.

B. The names and addresses of eyewitnesses who the defendant intends to call in his case-in-chief.

C. The name and address of any expert witness who the defendant intends to call at trial, and who has not prepared a report. Pursuant to Pa.R.Crim.P. 573(C)(2), the Commonwealth requests that said witness(es) prepare and disclose to the Commonwealth a report stating the subject matter on which the expert is expected to testify; the substance of the facts to which the expert is expected to testify; and a summary of the expert's opinions and the grounds for each opinion.

Should you decline to provide any of the aforementioned reciprocal discovery, please notify me or Senior Deputy Attorney General Ken Brown of that decision, and of your reasons therefor. Otherwise, we will presume that no such evidence exists.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure

c: Reader/File

September 29, 2010

Criminal Prosecutions Section  
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Thomas A. Bergstrom, Esq.  
138 Davis Road  
Malvern, PA 19355

**In re: Commonwealth v. John Zimmerman**  
**No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

As indicated in the cover letter that accompanied wave one of the discovery, enclosed is a copy of the Protective Order signed by Judge Feudale.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure

c: Reader/File

DEF9957

October 12, 2010

Criminal Prosecutions Section  
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Thomas A. Bergstrom, Esquire  
108 Davis Road  
Malvern, PA 19355

**In re: Commonwealth v. John Zimmerman**  
**No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Enclosed please find an external hard drive containing the items that are listed on the enclosed inventory sheets (11 pages, entitled "Republican Inventory Evidence 36-553 B," spanning from number 2008-047 through 2010-034). This production satisfies what has been previously described as "wave two" of the discovery process in this case. The remaining wave(s) will be forthcoming as soon as practicable, and not later than the deadlines that have been imposed by the court.

As occurred with the first wave of discovery, some of the documents included with this production have been redacted. In this instance, the majority of redactions pertain to copies of birth certificates and other personal identifiers that were included in personnel files. However, due to the extreme volume of documents involved in this matter, complete redaction was not possible. Therefore, we have obtained a second protective order, a copy of which is enclosed with this discovery.

Pursuant to Rule 573 of the Pennsylvania Rules of Criminal Procedure, we hereby request disclosure of the following reciprocal discovery:

A. The results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this case, or copies

thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence-in-chief, or which were prepared by a witness who the defendant intends to call at trial. Pursuant to Pa.R.Crim.P. 573(C)(2), if the witness(es) regarding the aforementioned information has/have not prepared a report relative to the examinations or tests conducted, the Commonwealth requests that said witness(es) prepare and disclose to the Commonwealth a report stating the subject matter on which the expert is expected to testify; the substance of the facts to which the expert is expected to testify; and a summary of the expert's opinions and the grounds for each opinion.

B. The names and addresses of eyewitnesses who the defendant intends to call in his case-in-chief.

C. The name and address of any expert witness who the defendant intends to call at trial, and who has not prepared a report. Pursuant to Pa.R.Crim.P. 573(C)(2), the Commonwealth requests that said witness(es) prepare and disclose to the Commonwealth a report stating the subject matter on which the expert is expected to testify; the substance of the facts to which the expert is expected to testify; and a summary of the expert's opinions and the grounds for each opinion.

Should you decline to provide any of the aforementioned reciprocal discovery, please notify me or Senior Deputy Attorney General Ken Brown of that decision, and of your reasons therefor. Otherwise, we will presume that no such evidence exists.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure

c: Reader/File

October 25, 2010

Criminal Prosecutions Section  
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Thomas A. Bergstrom, Esquire  
138 Davis Road  
Malvern, PA 19355

**In re: Commonwealth v. John Zimmerman**  
**No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Enclosed please find an external hard drive, satisfying what has been previously described as "wave two" of the discovery process in this case. Along with the hard drive, you will find a folder containing a hard copy inventory, as well as a CD. The hard copy is an 11-page document entitled "Republican Inventory Evidence 36-553 B," spanning from number 2008-047 through 2010-034, and contains general item descriptions. The CD contains a more detailed inventory of which files are contained within each of the items listed on the hard copy inventory. The remaining wave(s) of discovery will be forthcoming as soon as practicable, and not later than the deadlines that have been imposed by the court.

As occurred with the first wave of discovery, some of the documents included with this production have been redacted. In this instance, the majority of redactions pertain to copies of birth certificates and other personal identifiers that were included in personnel files. However, due to the extreme volume of documents involved in this matter, complete redaction was not possible. Therefore, as outlined in our prior email communications, we have obtained a second protective order, a copy of which is enclosed with this discovery.

Pursuant to Rule 573 of the Pennsylvania Rules of Criminal Procedure, we hereby request disclosure of the following reciprocal discovery:

**DEF9960**

A. The results or reports of physical or mental examinations, and of scientific tests or experiments made in connection with this case, or copies thereof, within the possession or control of the defendant, which the defendant intends to introduce as evidence-in-chief, or which were prepared by a witness who the defendant intends to call at trial. Pursuant to Pa.R.Crim.P. 573(C)(2), if the witness(es) regarding the aforementioned information has/have not prepared a report relative to the examinations or tests conducted, the Commonwealth requests that said witness(es) prepare and disclose to the Commonwealth a report stating the subject matter on which the expert is expected to testify; the substance of the facts to which the expert is expected to testify; and a summary of the expert's opinions and the grounds for each opinion.

B. The names and addresses of eyewitnesses who the defendant intends to call in his case-in-chief.

C. The name and address of any expert witness who the defendant intends to call at trial, and who has not prepared a report. Pursuant to Pa.R.Crim.P. 573(C)(2), the Commonwealth requests that said witness(es) prepare and disclose to the Commonwealth a report stating the subject matter on which the expert is expected to testify; the substance of the facts to which the expert is expected to testify; and a summary of the expert's opinions and the grounds for each opinion.

Should you decline to provide any of the aforementioned reciprocal discovery, please notify me or Senior Deputy Attorney General Ken Brown of that decision, and of your reasons therefor. Otherwise, we will presume that no such evidence exists.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure

c: Reader/File

**March 2, 2011**

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Two Liberty Place  
50 S. 16<sup>th</sup> Street, Suite 3200  
Philadelphia, PA 19102-2555

**In re: Commonwealth v. John Zimmerman**  
**No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Enclosed please find a compact disc containing PDF copies of the grand jury testimony and exhibits of the following witnesses: Susan Cornell, Cheryl Corsa, Mark Crescenzi, Beth Culp, Amy Druce, Du Duong, Michael Duralja, Nathan Fineman, Sheila Flickinger, Darryl Fox, Kevin Gibson, Kendall Gomez, Jared Graybill, Lauren Gutshall, Kris Hacker, Gregory Harbold, Beau Hassinger, Stephen Hawk, and Donna Hetrick.

The contents of the enclosed materials are subject to the provisions of the protective order that was issued by Judge Feudale on October 22, 2010, and which was sent to you with previous discovery. Additional grand jury materials will be forwarded to you on an ongoing basis, as we continue our internal review process.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure

c: Reader/File

**DEF9962**

**May 3, 2011**

Criminal Prosecutions Section  
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50 S. 16<sup>th</sup> Street, Suite 3200  
Philadelphia, PA 19102-2555

**In re: Commonwealth v. John Zimmerman**  
**No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Enclosed please find a thumb drive, containing what has been previously described as "wave four" of the discovery process in this case. Contained on the thumb drive, you will find a 7-page index entitled, "Wave 4 Inventory," – "HRC Discovery Wave 4."

If our review process uncovers any additional items that should be sent as part of the discovery process, we will do so forthwith. Should you have any questions or concerns, please notify me or Senior Deputy Attorney General Ken Brown.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosures

c: Reader/File

**DEF9963**

**May 4, 2011**

Criminal Prosecutions Section  
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50 S. 16<sup>th</sup> Street, Suite 3200  
Philadelphia, PA 19102-2555

**In re: Commonwealth v. John Zimmerman**  
**No. CP-22-CR-2524-2010**

Dear Mr. Zimmerman:

Enclosed please find a compact disc containing PDF copies of the grand jury testimony and exhibits of the following witnesses: Brian Brightbill, Braden Cook, Michael Cranga, Kevin Curtin, Gary Davis, Michael Davis, Joseph Defelice, Cheryl Dorschutz, John Duffy, Stephen Eaton, Kelly Fedeli, Christopher Galetti, John Grasso, Sarah Groff, Timothy Halula, Deb Hannon, Dan Hasenauer, Robert Hinkle, Patricia Hippler, Jeffrey Holland, Joan Hostetter, Edward Hussie, Kenneth Johnstone, Sharon Jones, Brian Kadunc, Lynda Kamman, Peter Kelly, and Mary Larcinese.

The contents of the enclosed materials are subject to the provisions of the protective order that was issued by Judge Feudale on October 22, 2010, and which was sent to you with previous discovery. Additional grand jury materials will be forwarded to you on an ongoing basis, as we continue our internal review process.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure

c: Reader/File

**DEF9964**

**June 2, 2011**

Criminal Prosecutions Section  
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Thomas A. Bergstrom, Esquire  
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Philadelphia, PA 19102-2555

**In re: Commonwealth v. John Zimmerman  
No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Enclosed please find a compact disc containing PDF copies of the grand jury testimony and exhibits of the following witnesses: Brian Brightbill; Richie LaFaver; Alexander McManimen; Bryce McMinn; Scott Migli; Claude Mignon; Jeffrey Miller; Mark Miller; Mary Morey; Ann Mueller; Courtney Mulgrew; Andrew Mummert; Ed Nolan; Theresa Nulter; Mary Nye; Robert Nye; Tiffany O'Neill; Erin Owen; Yon Park; Jay Pelegrin; Dean Phillips; Michael Piecuch; and Greg Policare.

The contents of the enclosed materials are subject to the provisions of the protective order that was issued by Judge Feudale on October 22, 2010, and which was sent to you with previous discovery. Additional grand jury materials will be forwarded to you on an ongoing basis, as we continue our internal review process.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure  
c: Reader/File

**DEF9965**

**June 22, 2011**

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Philadelphia, PA 19102-2555

**In re: Commonwealth v. John Zimmerman  
No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Enclosed please find a compact disc containing PDF copies of the grand jury testimony and exhibits of the following witnesses: Elmer Bowman, Mary Bradley, Michael Cranga, Turquoise Farries, Anthony Fiore, Jared Graybill, John Hanley, Christian Haugsby, Jimmy Jones, Matthew Kilty, Susan Kistler, Stephanie Libhart, Diane Moore, Joseph Rexford, Bernie Runk, Kellie Sanders, Darlene Schaffner, William Schaller, Jeanne Schmedlen, Sanjeev Sethi, Susan Settefrati, Tim Shaffer, Joshua Snyder, Mary Snyder, Robert Soop, JT Spahr, Gary Speaks, Jennifer Statler, Barbara Stokes, Michael Stoll, Maria Stout, Elizabeth Strickland, William Tomaselli, Linda Trush, Brian Turk, Daphne Uliana, Kim Ulrey, Joseph Vacca, Eric Warholak, Thomas Weeter, Lisa Weikle, Jason Weiser, Michael Weiss, Jackie Whitcomb, Michelle Whitmyer, Dena Wolfgang, Markus Woodring, James Xu, John Zimmerman.

This disc completes the grand jury materials to be turned over with discovery in this case. Some of the names on this list had certain dates of grand jury materials forwarded with previous discovery; any remaining dates of testimony for those witnesses are included here.

**DEF9966**

The contents of the enclosed materials are subject to the provisions of the protective order that was issued by Judge Feudale on October 22, 2010, and which was sent to you with previous discovery.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure

c: Reader/File

**June 22, 2011**

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50 S. 16<sup>th</sup> Street, Ste. 3200  
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**In re: Commonwealth v. John Zimmerman  
No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Enclosed please find "wave 5" of general, non-grand jury discovery in this case. Included are the following:

1. Two compact discs;
2. Document entitled "HRC Discovery Wave 5," which is an inventory of the contents of the 2 CD's;
3. Document entitled "HRC Discovery Items Not Provided – Privileged or Other;"
4. Document entitled "HRC Discovery Items Available for Examination;"
5. Copy of grand jury exhibit 15, associated with the testimony of William Tomaselli (made available at status conference of 6/13/11);
6. Copy of ROI for this case.

Attached to item number 4 is a copy of the list of databases that are available for inspection, in case anyone did not take a copy of that list at the status conference of June 13, 2011. If you wish to review or inspect any evidence in this case in advance of trial, please contact me or SDAG Ken Brown directly to make arrangements which are mutually convenient to you, any

**DEF9968**

agents that may be necessary to facilitate the review/inspection, and the attorney for the Commonwealth. Please be advised that attempts to view or inspect the evidence in this case without making prior arrangements as detailed in this letter will not be honored.

Although we do not anticipate any additional discovery, if our review process uncovers any additional items that should be sent as part of the discovery process, we will do so forthwith. Should you have any questions or concerns, please notify me or Senior Deputy Attorney General Ken Brown.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosures

c: Reader/File

June 29, 2011

**Criminal Prosecutions Section  
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**In re: Commonwealth v. John Zimmerman  
No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Due to some difficulties that one or more defense counsel have experienced with one of the CD's that was mailed with "wave 5" of discovery last week ("disc 1 of 2"), we have re-copied all materials from that CD onto 3 separate CD's, which are now enclosed with this letter. With the exception of item number 2008-176, for which we have received no complaints, all of the items listed on the page entitled "HRC Discovery Wave 5," which accompanied last week's disclosure, are contained on these 3 CD's.

Should you experience any difficulties in accessing the data contained on the enclosed CD's, please let us know and we will do what is necessary to rectify the situation.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosures

**DEF9970**

c: Reader/File

**August 15, 2011**

Criminal Prosecutions Section  
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**In re: Commonwealth v. John Zimmerman  
No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

On July 20, 2011, a CD entitled "Painter Notebooks" was sent to all counsel, containing scans of eight of the notebooks. Per recent requests, discussions, and court proceedings, enclosed is a CD labeled "Painter Notebooks 9-16," which contains the remaining notebooks that had not been previously provided.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure

c: Reader/File

**DEF9972**

**August 22, 2011**

Criminal Prosecutions Section  
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**In re: Commonwealth v. John Zimmerman  
No. CP-22-CR-2524-2010**

Dear Mr. Bergstrom:

Pursuant to our ongoing discovery obligations, we have run criminal histories on all individuals who are potential Commonwealth witnesses for the upcoming trial. One such individual, Lisa Weikle, has one or more *crimen falsi* convictions that could potentially be admissible should she take the witness stand. A copy of her criminal history is attached.

Sincerely,

**Michael A. Sprow**  
Deputy Attorney General

MAS/mah  
Enclosure

c: Reader/File

**DEF9973**